

House Engrossed Senate Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 231

## **SENATE BILL 1240**

AN ACT

AMENDING SECTION 32-2091.03, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 19.1, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2091.14; RELATING TO BEHAVIOR ANALYSTS. ;

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-2091.03, Arizona Revised Statutes, is amended to  
3 read:

4 32-2091.03. Educational and training qualifications for  
5 licensure

6 A. An applicant for licensure as a behavior analyst must:

7 1. Have a graduate degree, master's degree or doctoral degree from an  
8 accredited college or university or institution of higher learning accredited  
9 by a recognized accrediting agency.

10 2. ~~If the applicant completes a degree, coursework and work experience~~  
11 ~~requirements after January 1, 2000, Complete a minimum of one thousand five~~  
12 ~~hundred hours of supervised work experience or independent fieldwork in the~~  
13 ~~practice of applied behavior analysis in not less than twelve months,~~  
14 UNIVERSITY PRACTICUM OR INTENSIVE UNIVERSITY PRACTICUM WHICH SHALL FOLLOW  
15 APPROPRIATE ACADEMIC PREPARATION AND MAY RUN CONCURRENTLY WITH COURSEWORK, IF  
16 THE APPLICANT COMPLETES A DEGREE AND COURSEWORK REQUIREMENTS IN THE PRACTICE  
17 OF BEHAVIOR ANALYSIS AFTER JANUARY 1, 2000. THE SUPERVISED WORK EXPERIENCE,  
18 INDEPENDENT FIELD WORK, UNIVERSITY PRACTICUM OR INTENSIVE UNIVERSITY  
19 PRACTICUM SHALL INCLUDE SUPERVISION ONCE EVERY TWO WEEKS FOR FIVE PER CENT OF  
20 THE TOTAL HOURS THE APPLICANT SPENDS IN THE SUPERVISED WORK EXPERIENCE,  
21 INDEPENDENT FIELD WORK, UNIVERSITY PRACTICUM OR INTENSIVE UNIVERSITY  
22 PRACTICUM. THE TOTAL HOURS SPENT IN SUPERVISED WORK EXPERIENCE, INDEPENDENT  
23 FIELD WORK, UNIVERSITY PRACTICUM OR INTENSIVE UNIVERSITY PRACTICUM SHALL NOT  
24 BE MORE THAN THIRTY HOURS PER WEEK. THE TOTAL SUPERVISION HOURS MUST BE AT  
25 LEAST SEVENTY-FIVE HOURS.

26 3. Have as part of or in addition to the coursework required for the  
27 graduate degree at least two hundred twenty-five classroom hours of specific  
28 graduate level instruction that meet nationally recognized standards for  
29 behavior analysts as determined by the board.

30 4. ~~Have a minimum of one thousand five hundred hours of THE supervised~~  
31 ~~work experience, INDEPENDENT FIELDWORK, PRACTICUM OR INTENSIVE PRACTICUM~~  
32 ~~PURSUANT TO PARAGRAPH 2 OF THIS SUBSECTION, as a behavior analyst engaged in~~  
33 ~~tasks that meet nationally recognized standards for behavior analysts as~~  
34 ~~determined by the board. The supervised work experience hours must be~~  
35 ~~completed after the applicant completes the required coursework prescribed~~  
36 ~~pursuant to paragraph 3 of this subsection.~~

37 B. The supervised work experience, INDEPENDENT FIELD WORK, PRACTICUM  
38 OR INTENSIVE PRACTICUM required pursuant to subsection A, paragraph 4 must  
39 include the following:

40 1. Conducting behavioral assessments and assessment activities related  
41 to the need for behavioral interventions.

42 2. Designing, implementing and monitoring behavior analysis programs  
43 for clients.

44 3. Overseeing the implementation of behavior analysis programs by  
45 others.

1           4. Other activities normally performed by a behavior analyst that are  
2 directly related to behavior analysis, such as attending planning meetings  
3 regarding the behavior analysis program, researching the literature related  
4 to the program, talking to individuals about the program and any additional  
5 activities related to oversight of behavioral programming such as behavior  
6 analyst supervision issues or evaluation of behavior analysts' performance.

7           C. The following activities are not considered supervised work  
8 experience, INDEPENDENT FIELD WORK, PRACTICUM OR INTENSIVE PRACTICUM required  
9 pursuant to subsection A, paragraph 4:

- 10           1. Attending meetings with little or no behavior analytic content.  
11           2. Providing interventions that are not based in behavior analysis.  
12           3. Doing nonbehavior analytic administrative activities.  
13           4. Any other activities that are not directly related to behavior  
14 analysis.

15           D. For supervised work experience, INDEPENDENT FIELD WORK, PRACTICUM  
16 OR INTENSIVE PRACTICUM required pursuant to subsection A, paragraph 4, the  
17 supervisor must observe the applicant engaging in behavior analytic  
18 activities in the natural environment ~~at least once every two weeks~~. This  
19 observation may be conducted by web cameras, videotape, videoconferencing or  
20 similar means instead of the supervisor being physically present.  
21 Supervision may be conducted in small groups of ten or fewer participants for  
22 not more than half of the total supervised hours in each supervisory period.  
23 The remainder of the total supervision hours in each supervisory period must  
24 consist of direct one-to-one contact. Supervision hours may be counted  
25 toward the total number of experience hours required.

26           E. A supervisor conducting the supervised work experience, INDEPENDENT  
27 FIELD WORK, PRACTICUM OR INTENSIVE PRACTICUM pursuant to subsection D shall  
28 not be the applicant's relative, subordinate or employee during the  
29 experience period. The supervisor is not an employee of the applicant if the  
30 only compensation received by the supervisor from the applicant consists of  
31 payment for supervision. ~~A~~ FOR ANY APPLICANT WHO OBTAINED SUPERVISED  
32 EXPERIENCE PURSUANT TO SUBSECTION A, PARAGRAPH 2 AFTER JANUARY 1, 2011, THE  
33 supervisor must be a licensed behavior analyst who meets requirements for  
34 licensure pursuant to subsection A.

35           F. An applicant may submit a written request to the board for an  
36 exemption from the requirement prescribed in subsection E. The request must  
37 include the name of the behavior analyst proposed by the applicant to act as  
38 the clinical supervisor, a copy of the proposed clinical supervisor's  
39 transcript and curriculum vitae and any additional documentation requested by  
40 the board. The board shall review the supervision exemption request to  
41 determine if the proposed supervisor has the necessary education, training  
42 and experience to provide supervision acceptable for behavior analyst  
43 licensure. If the proposed supervisor has the necessary education, training  
44 and experience, the board shall grant the supervision exemption request. The  
45 board shall not grant an exemption request for an unlicensed clinical

1 supervisor providing clinical supervision in this state after July 1, 2011,  
2 except that an exemption may be granted by the board if the clinical  
3 supervisor holds a current national certification from a nationally  
4 recognized behavior analyst certification board as determined by the board  
5 AND THE APPLICANT RECEIVED THE SUPERVISED WORK EXPERIENCE, INDEPENDENT FIELD  
6 WORK, PRACTICUM OR INTENSIVE PRACTICUM IN A STATE THAT DID NOT LICENSE  
7 BEHAVIOR ANALYSTS DURING THE PERIOD IN WHICH THE SUPERVISION WAS OBTAINED.

8 G. An individual who completed the degree, coursework or experience  
9 before January 1, 2000 may have supervised work experience or core specified  
10 coursework that was accrued in a setting outside of a college or university  
11 program if the following conditions are met:

12 1. The acquired coursework or supervised work experience was acquired  
13 after the graduate degree and before January 1, 2000.

14 2. The applicant has met the requirements for and received the  
15 certification credential from a nationally recognized behavior analyst  
16 certification board as determined by the board.

17 H. The board may prescribe by rule additional requirements relating to  
18 education and training.

19 Sec. 2. Title 32, chapter 19.1, article 4, Arizona Revised Statutes,  
20 is amended by adding section 32-2091.14, to read:

21 32-2091.14. Status as behavioral health professional

22 NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE DEPARTMENT OF HEALTH  
23 SERVICES SHALL RECOGNIZE A BEHAVIOR ANALYST WHO IS LICENSED PURSUANT TO THIS  
24 ARTICLE AS A BEHAVIORAL HEALTH PROFESSIONAL WHO IS ELIGIBLE FOR REIMBURSEMENT  
25 OF SERVICES.

26 Sec. 3. Behavior analysts: behavioral health professional;  
27 exception from rule making

28 A. The department of health services shall adopt rules to include  
29 behavior analysts in the list of behavioral health professionals as  
30 prescribed by the department by rule.

31 B. For the purposes of this section, the department of health services  
32 is exempt from the rule making requirements of title 41, chapter 6, Arizona  
33 Revised Statutes, for one year after the effective date of this act.

APPROVED BY THE GOVERNOR APRIL 25, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2011.

Passed the House April 14, 20 11,

by the following vote: 33 Ayes,

22 Nays, 5 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

Passed the Senate February 22, 20 11,

by the following vote: 23 Ayes,

6 Nays, 1 Not Voting

[Signature]  
President of the Senate

Charmian Bellinger  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**S.B. 1240**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 18, 2011

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

18 day of April, 2011

at 2:45 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 25th day of

April

at 10:25 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 25th day of April, 2011

S.B. 1240

at 2:45 o'clock P. M.

[Signature]  
Secretary of State